

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**NOTICE**

**In Re:  
CHAPTER 13 REQUIREMENTS FOR  
MOTIONS TO EXTEND THE AUTOMATIC STAY  
UNDER 11 U.S.C. § 362(c)(3) AND TO IMPOSE THE STAY  
UNDER 11 U.S.C. § 362(c)(4)**

Judges Fitzgerald, Agresti, Deller, and Bentz have agreed on the following regarding motions filed in chapter 13 cases to extend the automatic stay under 11 U.S.C. § 362(c)(3) and to impose the stay under 11 U.S.C. § 362(c)(4):

1. The caption of each motion shall identify whether it is filed under § 362(c)(3) or under § 362(c)(4).
2. Each motion shall state the case number of all prior cases that were pending and dismissed in the year prior to the instant case being filed.
3. Each motion shall contain details concerning the changed circumstances pursuant to which the debtor seeks the requested relief. General assertions of changed circumstances are not sufficient.
4. Each motion shall contain details concerning the debtor's/debtors' ability to confirm and fund a plan.
5. Each motion shall contain an unsworn declaration under penalty of perjury pursuant to 28 U.S.C. § 1746 or an affidavit from a debtor or other person with actual knowledge of the facts concerning changed circumstances and debtor's/debtors' ability to confirm and fund a plan. The declaration or affidavit may be an attestation that the information contained in the motion is true and correct.
6. The court will treat the declaration or affidavit as the debtor's/debtors' proffer of evidence for the initial hearing on the motion.
7. No witnesses will be heard at the initial hearing on the motion unless the court specifically orders otherwise in a particular matter.
8. If an evidentiary hearing is required on the motion, a date for same will be provided at the initial hearing.

Theodore S. Hopkins  
Clerk of Court

Issued March 29, 2006